

# **Exhibit A**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Terrorist Attacks on September 11, 2001                      03 MD 1570 (RCC)

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New York, N.Y.  
May 25, 2004  
2:20 p.m.

Before:

HON. RICHARD CONWAY CASEY

District Judge

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APPEARANCES

1  
1  
2 KREINDLER & KREINDLER  
2 Attorneys for Plaintiffs  
3 BY: JAMES P. KREINDLER  
3 ANDREW MALONEY  
4 VINCE PARRETT  
4 JUSTIN T. GREEN  
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5 BAUMEISTER & SAMUELS, P.C.  
6 Attorneys for Plaintiffs  
6 BY: MICHAEL F. BAUMEISTER  
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7 HANLY & CONROY BIERSTEIN & SHERIDAN  
8 Attorneys for Plaintiffs  
8 BY: PAUL J. HANLY, JR.  
9 ANDREA BIERSTEIN  
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10 MOTLEY RICE, LLC  
10 Attorneys for Plaintiffs  
11 BY: RONALD L. MOTLEY  
11 DONALD A. MIGLIORI  
12 JODI WESTBROOK FLOWERS  
12 MICHAEL E. ELSNER  
13 JUSTIN KAPLAN  
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14 HARRY HUGE LAW FIRM, LLP  
14 Attorneys for Plaintiffs  
15 BY: HARRY HUGE  
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16 COZEN O'CONNOR  
16 Attorneys for Plaintiffs  
17 BY: SEAN CARTER  
17 ELLIOTT FELDMAN  
18 MARK MULLEN  
19 SPEISER KRAUSE NOLAN & GRANITO  
19 Attorneys for Plaintiffs  
20 BY: FRANK H. GRANITO III  
21 BRODER & REITER  
21 Attorneys for Plaintiffs  
22 BY: JONATHAN C. REITER  
22  
23 MELLON WEBSTER & SHELLEY  
23 Attorneys for Plaintiffs  
24 BY: THOMAS E. MELLON, JR.  
25

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1 today. That is why I rose to speak to the court and represent  
2 on the record that for good or bad, well or ill, Mr. Ambush  
3 represented to me, to a Mr. Richard Haley, to a Mr. Jack Corr  
4 on a call Friday at 4:00 that he did not know about this  
5 hearing.

6 We instructed him to get here. He indicated he could  
7 not. He would be in Canada. We indicated to him that he  
8 should do whatever necessary to have representation, that we  
9 could not represent him.

10 I represent again today only to the court that  
11 message. That is all I said and that is all I am saying.

12 THE COURT: Excuse me just one minute, sir.

13 Mr. Brantley, did Mr. Ambush in any way communicate  
14 with the court that he would not be here today either by  
15 telephone call, letter, fax, e-mail, any form of communication?

16 THE DEPUTY CLERK: No, your Honor.

17 THE COURT: We received nothing. All right.

18 Thank you, Mr. Mellon --

19 MR. MELLON: Thank you.

20 THE COURT: -- for sending us the message.

21 Is there anyone else that wishes to be heard on this  
22 question?

23 The next item on my list is perhaps not on yours, but  
24 I have received a letter, I believe from Baker Botts,  
25 concerning conduct of lawyers. Little did I know how

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1 appropriate the subject would be at this point in my personal  
2 agenda for this meeting.

3 I have reviewed very carefully the letters from Baker  
4 Botts, Mr. Motley. Let me just set out my personal feelings  
5 and the position of the court.

6 I am not going to take any action with regard to  
7 Mr. Motley at this time. I am telling you that I take a very  
8 dim view of lawyers who try their cases in the media. I  
9 believe I have been privileged to see some of the greatest  
10 trial lawyers this country has produced and none of the really  
11 good ones try their case in the media. They have the ability,  
12 the talent, professionalism, and the ethics to try their case  
13 here in the courtroom.

14 I expect everyone, and I have read all the papers,  
15 plaintiffs and defendants, any activity in this area I expect  
16 to stop as of this moment. If there is any further activity, I  
17 will entertain any application. Be the professionals that you  
18 are. Don't sully your profession before this court.

19 I expect everything from this moment forward to be  
20 done in that professional manner. I mean this very sincerely  
21 and I hope you will take it in that way. If you choose to go  
22 in a different direction after this caution, I assure you I  
23 will deal with it. I hope nothing further need be said on this  
24 subject. There is no requirement for anyone to respond. I  
25 have tried to choose my words very carefully. And unless

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1 somebody cannot comprehend my simple words, that is the end of  
2 the subject unless cause requires us to revisit the subject,  
3 and I hope that that will never occur.

4 I am now going to ask you to direct your attention to  
5 the issues raised in proposed case management order No. 2. I  
6 have identified certain issues set forth in the proposal that I  
7 would like the parties to address. On each issue I will hear  
8 first from the plaintiff and then from the defendant.

9 First, in paragraph 12, the parties set forth their  
10 separate position on setting a time limit for the service of  
11 foreign defendants. I would ask, unless someone feels  
12 compelled to be heard, that I would hope that plaintiffs would  
13 select one or another to address this issue and I would hope in  
14 the future that that policy will be followed in all of our  
15 conferences. I don't know that the defendants have formed a  
16 committee to be united enough to address the other side, but on  
17 behalf of the plaintiffs, who would address the question?

18 MR. MOTLEY: Your Honor, we met prior to the hearing,  
19 and while lots of people worked on this case management order  
20 No. 2, we are asking Ms. Bierstein to present the plaintiffs'  
21 position.

22 THE COURT: Ms. Bierstein. Am I pronouncing your name  
23 correctly, by the way?

24 MS. BIERSTEIN: It is Bierstein.

25 THE COURT: With a B?

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